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Southern District of New York*

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BY FIRST CLASS MAIL

Richard Chichakli
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P.O. Box 329002
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**Re: United States v. Richard Ammar Chichakli,
S2 09 Cr. 1002 (WHP)**

Dear Mr. Chichakli:

By this letter, the Government hereby gives notice of certain evidence that the Government may seek to introduce at trial of other uncharged crimes, wrongs, or acts committed by you and others associated with the conduct charged in the Indictment. This evidence is admissible as (1) direct evidence of the conspiracies charged in the Indictment, because it is evidence of the background of the conspiracies that is inextricably intertwined with and necessary to complete the story of the charged conspiracies, and (2) pursuant to Federal Rule of Evidence 404(b), to show the existence, nature, and development of the criminal relationships among the co-conspirators, and to otherwise prove the defendant's motive, opportunity, intent, preparation, plan, knowledge, identity, and absence of mistake or accident. Set forth below is a summary of the prior criminal activity that the Government may seek to admit and prove at trial for the purposes stated above:

Prior Aircraft Transactions with Aventura Aviation and Robert Peacon

The Government will seek to introduce testimony and other evidence showing that as early as in or about 2004, Chichakli was involved in aircraft transactions with Henry Gayer and Allen Blattner, the principals of Aventura Aviation, and Robert Peacon, the principal of RP Aviation. Specifically, the Government's evidence will establish that Peacon introduced Chichakli to Gayer and Blattner in or about 2004 because Chichakli was interested in purchasing a 727 aircraft owned by Aventura Aviation. Thereafter, Chichakli purchased two 727 aircraft from Aventura Aviation – one in May 2004 and one in February 2005. On both occasions, Chichakli was acting on behalf of Trans Aviation Global Group, a Texas-based corporation of which Chichakli was president. Both airplanes were delivered by Robert Peacon to Sharjah, United Arab Emirates, where Chichakli had established and operated a free trade zone in the

1990s, and were delivered to companies associated with Sergei Bout, Viktor Bout's brother. Chichakli continued to have business dealings with Gayer, Blattner, and Peacon throughout 2005 and 2006, after Chichakli was listed on the SDN list, related to the potential purchase and sale of aircraft and aircraft parts. Some of these deals were completed and others were not. Chichakli's business relationship with Aventura and Peacon continued up to the commencement of the 2007 Samar Air deal that underlies the charges in the Indictment.

Prior Business Dealings with Viktor Bout and Sergei Bout in the Airline Industry

The Government will seek to introduce testimony and other evidence showing that Chichakli's business relationship with Viktor Bout began several years before Bout and Chichakli were listed on the SDN list in July 2004 and April 2005, respectively, and continued up to the 2007 Samar Air transaction. Specifically, the Government's proof will show that in or about 1998, Viktor Bout hired Chichakli as a consultant to help fix management and distribution problems at Metavia Airlines, an air cargo company located in South Africa that Bout had purchased. Bout later changed the name of the company from Metavia to Air Pass and then to Air Cess. After Air Cess closed its operations, Chichakli continued to have business dealings with Viktor Bout. For example, in or about 2000, Chichakli registered San Air General Trading LLC in Richardson, Texas, as a branch of Bout's company, San Air General Trading FZE, based in the UAE. Also, in or about June 2002, Chichakli's employee (and later wife), Julia Flyagina, registered Airbus Transportation, Inc. ("Airbas") in Richardson, Texas. Airbas is linked to an air cargo business of the same name based in Sharjah, UAE, which was controlled by Sergei Bout. Chichakli managed various Airbas bank accounts in the United States and made several money transfers to Irbis Airlines, a company associated with Viktor Bout.

The Government's proof will also show that shortly after Chichakli was listed on the SDN list and left the United States, he, Viktor Bout, and Sergei Bout founded BBC Consulting, a company based in Russia that specialized in offering management consulting services to airline businesses. Throughout 2005 and 2006, BBC Consulting pursued numerous business opportunities in the airline business, including: (i) providing advice to the Moscow Air Taxi project, (ii) a plan to privatize Tajikistan Airlines, the national carrier of Tajikistan where Samar Airlines was based, (iii) the creation of cargo air companies in Syria called Triumph Airways and C Air Jet/Syrjet, and (iv) the creation of a cargo air company in Sharjah, UAE called B4 Venture, LLC. Chichakli, Viktor Bout, and Sergei Bout each had "bbcconsulting.net" email addresses. Some of the email correspondence regarding the 2007 Samar Air deal was sent via the "bbcconsulting.net" email addresses.

False Names and False Documentation

The Government anticipates that the proof of the charged conspiracies will include evidence that Chichakli used different aliases to communicate to third parties concerning the Samar Air transaction in order to conceal his true identity. Similarly, the Government will also seek to introduce evidence that after his inclusion on the SDN list in April 2005, Chichakli used a series of false names and obtained false documentation, both before and after the charged conduct in 2007, in order to conceal his true identity. For example, the evidence will show that in June 2006, Chichakli obtained a South African passport in the name of David Weisman. In

addition, following the Samar Air transaction, Chichakli obtained a Syrian passport under the name Jihad Almustafa, which he used to travel to and from Australia. Chichakli obtained further false identity documents in Australia and applied for a job under that same name.

Conclusion

As previously discussed, the Government will introduce the evidence of prior business dealings with Gayer, Blattner, Peacon, and Bout, in the first instance, as direct evidence of the conspiracies charged in the Indictment, because those prior business dealings occurred immediately prior to the period of the charged conspiracies and involved people who were involved in the Samar Air transaction. These prior business dealings are therefore inextricably intertwined with and necessary to complete the story of the charged conspiracies. Additionally, this evidence is also admissible pursuant to Rule 404(b), because it illustrates the development of Chichakli's relationship with Gayer, Blattner, Peacon, Viktor Bout, and Sergei Bout, and in particular, the close relationship of trust that developed between Chichakli and his co-conspirator, Viktor Bout. The evidence of false names and false documents is admissible as proof of Chichakli's knowledge of his OFAC listing, an element the Government must prove at trial, as well as Chichakli's consciousness of guilt.

Very Truly Yours,

PREET BHARARA
United States Attorney

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